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 Attorneys for Debt Acquisition Company of America V

IN THE UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA

In re	)	<b>Bankruptcy Case No. BK-S- 06-10725-LBR</b>
	)	
USA COMMERCIAL MORTGAGE	)	
COMPANY,	)	<b>APPELLANT'S DESIGNATION OF</b>
<i>fka</i> USA Capital	)	<b>RECORD ON APPEAL</b>
	)	
Debtor	)	
	)	
	)	
	)	

Appellant, Debt Acquisition Company of America V, hereby submits the following designation of the record on appeal:

<b><u>ITEM</u></b>	<b><u>DOCKET</u></b>	<b><u>TITLE</u></b>
1.	1.	Chapter 11 Voluntary Petition.
2.	34.	Motion to Extend Deadline to File Statements and Schedules or Provide Required Information.
3.	53.	Opposition to Motion to Extend Deadline to File Statements and Schedules or Provide Required Information.
4.	208.	Direct Lenders' Motion for Relief from Stay filed 5-11-06
5.	215.	Motion to Compel Debtors' to Continue to Forward Lender Payment to Direct Lenders; Motion to Delay or Prohibit Appraisals on Performing Loans.

- 1 6. 292. Motion for Relief from Stay Property: Loan Servicing Agreement.
- 2 7. 293. Declaration of Scott Canepa (Related document [292] Motion for Relief From
- 3 Stay).
- 4 8. 294. Notice of Hearing on Motion for Relief from Stay [292].
- 5 9. 306. Certificate of Service Re: (1) Motion for Relief from the Automatic Stay to
- 6 Terminate Loan Servicing Agreement for Direct Loan to Boise/Gowan, LLC, (2)
- 7 Declaration of Scott K. Canepa in Support of Motion for Relief from the
- 8 Automatic Stay to Terminate Loan Servicing Agreement for Direct Loan to
- 9 Boise/Gowan, LLC and (3) Notice of Motion thereon.
- 10 10. 316. Order Approving Motion for Order Granting Additional Time to File its
- 11 Statements and Schedules
- 12 11. 387. Opposition to Direct Lenders' Motion for Relief From Stay [208] by USA
- 13 Commercial Mortgage.
- 14 12. 406. Response by Official Committee of Executory Contract Holders to Motion for
- 15 Relief From Stay by Direct Lenders [208].
- 16 13. 411. Stipulation and Order Re; Extending Time to File Responsive Papers.
- 17 14. 431. Transcript of 5-3-06 Hearing
- 18 445. Joinder in Direct Lenders' Motion to Compel Debtors' to Continue to Forward
- 19 Lender Payment to Direct Lenders; Motion to Delay or Prohibit Appraisals on
- 20 Performing Loans.
- 21 15. 468. Opposition to Motion for Relief from the Automatic Stay to Terminate Loan
- 22 Servicing Agreement for Direct Loan to Boise/Gowan, LLC.
- 23 16. 503. Opposition to Motion for Relief from the Automatic Stay to Terminate Loan
- 24 Servicing Agreement for Direct Loan to Boise/Gowan, LLC [292]
- 25 17. 509. Errata to Direct Lendres' Reply to Opposition to Motion for Relief From Stay
- 26 [208].
- 27 18. 566. Omnibus Response to Motions for Relief from the Automatic Stay for the
- 28 Purpose of Terminating Loan Servicing Agreements.

- 1           626.           Reply to Opposition to Motion to Compel Debtor to Continue to Forward  
2                           Payments to Direct Lenders [215]
- 3   19.   627.           Reply of JV Lenders' Reply to Opposition to Motion for Relief From Stay [208].
- 4   20.   632.           Reply in Support of Motion for Relief from the Automatic Stay to Terminate  
5                           Loan Servicing Agreement for Direct Loan to Boise/Gowan, LLC.
- 6   21.   636.           Supplemental Declaration of Scott K. Canepa in Support of Motion for Relief  
7                           from the Automatic Stay to Terminate Loan Servicing Agreement for Direct  
8                           Loan to Boise/Gowan, LLC.
- 9   22.   648.           Fourth Supplemental Declaration of Thomas J. Allison in Support of Debtor's  
10                          Motions.
- 11   23.   653.           Status and Agenda for June 15, 2006 Hearings.
- 12   24.   673.           Amendment to Bankruptcy Petition Schedules of Assets and Liabilities.
- 13   25.   674.           Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
14                          Capital Realty Advisors)
- 15   26.   675.           Amendment to Bankruptcy Petition Schedules of Assets and Liabilities (Affects  
16                          USA Securities, LLC).
- 17   27.   676.           Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
18                          Securities, LLC).
- 19   28.   677.           Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
20                          Capital First Trust Deed Fund, LLC).
- 21   29.   678.           Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
22                          Capital Diversified Trust Deed Fund, LLC).
- 23   30.   679.           Amendment to Bankruptcy Petition Schedules of Assets and Liabilities (Affects  
24                          USA Capital First Trust Deed Fund, LLC).
- 25   31.   680.           Amendment to Bankruptcy Petition Schedules of Assets and Liabilities (Affects  
26                          USA Capital Diversified Trust Fund Deed, LLC).
- 27   32.   681.           Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
28                          Capital Commercial Mortgage Company).

- 1 33. 682. Amendment to Bankruptcy Petition Schedules of Assets and Liabilities (Affects  
2 USA Commercial Mortgage Company).
- 3 34. 783. Amendment to Bankruptcy Petition Statement of Financial Affairs (Affects USA  
4 Capital Commercial Mortgage Company).
- 5 35. 784. Amendment to Bankruptcy Petition Schedules of Assets and Liabilities (Affects  
6 USA Commercial Mortgage Company).
- 7 36. 800. (Nonconforming Entry) Objection to Debtor's Proposed Order Re: Motion for  
8 Relief from the Automatic Stay to Terminate Loan Servicing Agreement for  
9 Direct Loan to Boise/Gowan, LLC.
- 10 37. 804. Objection to Debtor's Proposed Order Re: Motion for Relief from the Automatic  
11 Stay to Terminate Loan Servicing Agreement for Direct Loan to Boise/Gowan,  
12 LLC.
- 13 38. 810. Objection to Scott K. Canepa's Proposed Order Regarding Motion for Relief  
14 from the Automatic Stay to Terminate Loan Servicing Agreement for Direct  
15 Loan to Boise/Gowan, LLC.
- 16 39. 873. Notice of Hearing Re; Canepa Objection to Proposed Order and Proposed  
17 Alternative Order Re: Motion for Relief from the Automatic Stay to Terminate  
18 Loan Servicing Agreement for Direct Loan to Boise/Gowan, LLC.
- 19 40. 874. Notice of Hearing on "Order Preliminarily Denying Motion for Relief From the  
20 Automatic Stay to Terminate Loan Servicing Agreement for Direct Loan to  
21 Boise/Gowan.
- 22 41. 892. Order Preliminarily Denying Direct Lenders Motion for Relief From Stay.
- 23 42. 961. Affidavit/Declaration of Robert Russell in Opposition to Motion for Relief From  
24 the Automatic Stay to Terminate Loan Servicing Agreement for Direct Loan to  
25 Boise/Gowan.
- 26 43. 1104. Stipulation and Order to Continue Final Hearing on Motion for Relief From the  
27 Automatic Stay to Terminate Loan Servicing Agreement for Direct Loan to  
28 Boise/Gowan.

1	44.	1127.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
2			Claimant Joseph Szabo. [\$3,256.50]
3	45.	1153.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
4			Claimant Pompeo Lombardi. [\$43,017.52]
5	46.	1154.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
6			Claimant Oliver C. Puhr. [\$31,762.23]
7	47.	1155.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
8			Claimant Janet Szabo. [\$25,107.97]
9	48.	1156.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
10			Claimant M & R M, LLC. [\$108,961.19]
11	49.	1157.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
12			Claimant Dalton F. Maffett.[\$20,067.97]
13	50.	1158.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
14			Claimant Thomas Stewart. [\$37,037.93]
15	51.	1179.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
16			Claimant Gary E. Topp. [\$41,666.67]
17	52.	1206.	Status and Agenda for August 31, 2006 Hearings.
18	53.	1253.	Transcript of 8-16-06 Hearing
19	54.	1272.	Status and Agenda for September 13, 2006 Hearings.
20	55.	1309.	Disclosure Statement [for Debtor's Joint Plan of Reorganization Dated
21			September 15, 2006] filed by Lenard E. Schwartzer.
22	56.	1310.	Charter 11 Joint Plan of Reorganization
23	57.	1326.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
24			Claimant Taylor Samuels Trustee of the Samuels 1999 Trust. [\$21,792.24]
25	58.	1327.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
26			Claimant Taylor Samuels Trustee of the Samuels 1999 Trust. [\$25,903.59]
27	59.	1328.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
28			Claimant Taylor Samuels Trustee of the Samuels 1999 Trust. [\$145.99]

1	60	1349.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
2			Claimant First Savings Bank Custodian for Tana Stigile IRA [12,951.80]
3	61..	1350.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
4			Claimant Christopher Dickinson and Patricia Dickinson, husband & wife, as
5			joint taunts (sic) with right of survivorship [\$25,903.59]
6	62.	1351.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
7			Claimant Janice A. Magrisi, at (sic) unmarried woman & Phillip W. Dickinson,
8			an unmarried man, joint tenants with the right of survivorship. [\$12,951.80]
9	63.	1355.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
10			Claimant Sapourn Legacy, LLC, a Florida limited liability company.
11			[\$38,855.38]
12	64.	1356.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
13			Claimant John D. Eichhorn & Jill A Eichhorn, husband & wife, as joint tenants
14			with right of survivorship. [\$25,903.59]
15	65.	1402.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
16			Claimant Barbara J. Vivero Trustee of the Barbara J. Vivero Revocable Trust.
17			[\$12,951.80]
18	66.	1403.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
19			Claimant Larry D. Sargent & Marjean Sargent, husband & wife, as joint tenants
20			with right of survivorship. [\$12,951.80]
21	67.	1420.	Notice of Hearing on Disclosure Statement for Debtors' Joint Plan of
22			Reorganization
23	68.	1460.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
24			Claimant Peter A. Bolino & Fabio;a A. Bolino Trustees of the Bolino Family
25			Revocable Trust dated 3/6/95. [\$19,427.69]
26	69.	1461.	Notice of Transfer of Claim by Debt Acquisition Company of America; Original
27			Claimant Nemo Harding & Erin Harding, joint tenants with right of survivorship.
28			[\$12,951.80]

- 1 70. 1462. Notice of Transfer of Claim by Debt Acquisition Company of America; Original  
2 Claimant Joyce A. Hayward Trustee of the 1985 Hayward Living Trust dated  
3 07/06/1985. [\$25,903.39]
- 4 71. 1463. Notice of Transfer of Claim by Debt Acquisition Company of America; Original  
5 Claimant Lori Dietzman and William Dietzman, wife & husband as joint tenants  
6 with right of survivorship. [\$12,951.80]
- 7 72. 1504. Notice of Withdrawl of Transfer of Claim [1461] filed by Debt Acquisition  
8 Company of America
- 9 74. 1543. Stipulation and Order Extending Time to File Responsive Pleadings to  
10 Disclosure Statement for Debtor's Joint Plan of Reorganization Dated September  
11 15, 2006 and Any Amended Disclosure Statement.
- 12 75. 1576. Debtors' First Amended Plan of Reorganization filed 10-18-06.
- 13 1603. Notice of Filing Asset Purchase Agreement filed by Debtors.
- 14 76. 1656. (Nonconforming Entry) Objection to Debtor's Disclosure Statement for Debtor's  
15 Joint Plan of Reorganization Dated September 15, 2006.
- 16 77. 1665. Objection to Disclosure Statement for Debtor's Joint Plan of Reorganization  
17 Dated September 15, 2006.
- 18 78. 1706. Notice of Filing First Amended and Restated Asset Purchase Agreement filed by  
19 Debtors.
- 20 79. 1750. Notice of Filing of Revised First Amended and Restated Asset Purchase  
21 Agreement filed by Debtors.
- 22 80. 1727. Amended Stipulation and Order Extending Time to File Responsive Pleadings  
23 to Disclosure Statement for Debtor's Joint Plan of Reorganization Dated  
24 September 15, 2006 and Any Amended Disclosure Statement.
- 25 81. 1741. Amended Chapter 11 Plan Number Second [sic] Amended Filed by Lenard E.  
26 Schwartzer.
- 27 82. 1742. Notice of Filing of Debtor's Second Amended Joint Chapter 11 Plan of  
28 reorganization and Notice of Timing of Filing of Disclosure Statement.

- 1 83. 1753. Errata to Debtor's Second Amended Plan of Reorganization.
- 2 84. 1754. Notice of Filing Cover Sheet Summary of Disclosure Statement for Debtor's
- 3 Second Amended Plan of Reorganization Dated November 6, 2006.
- 4 85. 1755. Disclosure Statement for Debtor's Second Amended Joint Plan of
- 5 Reorganization Dated November 6, 2006.
- 6 86. 1766. Notice of Filing of (A) Proposed Notice Confirmation Hearing and Related
- 7 Deadlines; (B) Proposed Solicitation and Notice Procedures and Proposed Form
- 8 of Ballots.
- 9 87. 1767. Status and Agenda for November 13, 2006 Hearings.
- 10 88. 1793. Transcript of 11-6-06 Hearing.
- 11 89. 1798. Debtor's First Amended Disclosure Statement for Debtor's Third Amended Joint
- 12 Plan of Reorganization.
- 13 90. 1799. Amended Chapter 11 Plan (Third Amended Chapter 11 Plan of Reorganization.
- 14 91. 1800. Order Approving: (A) Debtor's Disclosure Statement; (B) Proposed Notice of
- 15 Confirmation Hearing; (C) Proposed Solicitation and Notice Procedures; and (D)
- 16 Proposed Form of Ballots.
- 17 92. 1805. Motion for Approval of Procedures Regarding Assignments of Direct Lenders'
- 18 Interests in Loans.
- 19 93. 1806. Notice of Hearing Regarding Motion for Approval of Procedures Regarding
- 20 Assignments of Direct Lenders Interests in Loans.
- 21 94. 1829 Certificate of Service on Behalf of USA Commercial Mortgage Company re
- 22 [1806] Notice of Hearing.
- 23 95. 1830 Supplemental Certificate of Service filed on Behalf of USA Commercial
- 24 Mortgage Company re: [1805] Motion for Approval of Procedures.
- 25 96. 1850. Joint Motion of the Four Official Committees to Approve Supplemental
- 26 Disclosure.
- 27 97. 1856. Transcript of 10-30-06 Hearing.
- 28 98. 1864. Opposition filed by Alan R. Smith to Joint Motion of the Four Official

- 1 Committees to Approve Supplemental Disclosure.
- 2 99. 1886. Notice of Schedule of Executory Contracts and Unexpired Leases in Connection
- 3 with Debtor's Third Amended Joint Chapter 11 Plan of Reorganization.
- 4 100. 1887. Supplement Direct Lender Supplement to Debtors' Third Amended Joint Chapter
- 5 11 Plan of Reorganization.
- 6 101. 1907. Order Approving Joint Motion of Four Official Committees to Approve the
- 7 Supplemental Disclosure [1850].
- 8 102. 1913. Notice of Entry of Order Approving Motion of Four Official Committees to
- 9 Approve the Supplemental Disclosure [1850].
- 10 103. 1926. Opposition filed on Behalf of Official Committee of Holders Executory Contract
- 11 Rights thru USA Commercial MTG CO to[1805] Motion for Approval of
- 12 Procedures.
- 13 104. 1947. Partial objection to Confirmation of Third Amended Joint Plan of Reorganization
- 14 filed by Joanne M. Grundman.
- 15 105. 1948. Partial objection to Confirmation of Third Amended Joint Plan of Reorganization
- 16 filed by Erna D. Grundman.
- 17 106. 1957. Memorandum of Points & Authorities in Opposition to Debtors' Motion for
- 18 Approval of Procedures Re: Assignments of Lenders' Direct Interests in Loans
- 19 filed by Michelle Abrams on Behalf of Debt Acquisition Company of America
- 20 re [1805] Motion for Approval of Procedures.
- 21 107. 1958. Declaration of Howard Justus filed by Michelle Abrams re [1957] Opposition to
- 22 Motion for Approval of Procedures.
- 23 108. 1977. Notice Revised Asset Purchase Agreement filed by Debtors.
- 24 109. 1993. Opposition to Motion for Approval of Procedures Re Assignments of Direct
- 25 Lenders' Interests in Loans on Behalf of Hall Phoenix.
- 26 110. 1994. Declaration of Mark Blocher in Support of Opposition of Hall Financial Group
- 27 [1993] to Motion for Approval of Procedures Regarding Assignments of Direct
- 28 Lenders' Interests in Loans.

- 1 111. 2001. Plan Documents Supplement and Notice of Disclosures by the Official
- 2 Committee of Equity Security Holders of USA Capital Diversified Trust Fund.
- 3 112. 2002. USAMC Committee's Plan Documents Supplement and Disclosure
- 4 113. 2003. Partial/Limited Objection to Amended Plan filed by Gregory J. Walch
- 5 114. 2011. Limited Objection (Errata to Declaration in Support thereof) filed by Gregory J.
- 6 Walch
- 7 115. 2013. Limited Objection filed by Andrew Brumby to Amended Chapter 11 Plan
- 8 116. 2017. Objection of the Pension Benefit Guaranty Corporation to Debtors' Third
- 9 Amended Joint Chapter 11 Plan of Reorganization
- 10 117.. 2019. Joinder with Certificate of Service filed by Robert LePome Re: Opposition filed
- 11 by Hall Financial [1993].
- 12 118. 2020. Limited Objection to Confirmation of debtors' Third Amended Joint Chapter 11
- 13 Plan of Reorganization filed by Liberty Bank.
- 14 119. 2028. Joinder with Certificate of Service filed by Susan Williams Scann to[2045]
- 15 Objection to Confirmation of Plan by Standard Property Development, LLC.
- 16 120. 2029. Joinder with Certificate of Service filed Susan Williams Scann to[2045]
- 17 Objection to Confirmation of Plan by Standard Property Development, LLC.
- 18 121. 2031. (Nonconforming Entry) Opposition to Confirmation of Debtors' Plan filed by
- 19 Michelle Abrams on behalf of Debt Acquisition Company of America.
- 20 122. 2032. Declaration of Howard Justus in Opposition to Plan Confirmation filed by
- 21 Michelle Abrams on behalf of Debt Acquisition Company of America.
- 22 123. 2034. Certificate of Service filed by Michelle L. Abrams on behalf of Debt Acquisition
- 23 Company of America of Declaration [2032] and [2050] Objection to Plan.
- 24 124. 2035. (Nonconforming Entry) Objection to Confirmation of The Debtors' Third
- 25 Amended Joint Chapter 11 Plan of Reorganization filed by Russell S. Walker.
- 26 125. 2038. (Nonconforming Entry) Limited Objection to Debtors' Proposed Plan of
- 27 Reorganization filed by Jeffrey R. Sylvester.
- 28 126. 2039. Reply Memorandum in Support of Motion for Approval of Procedures Regarding

- 1 Assignments of Direct Lenders' Interest in Loans.
- 2 127. 2040. Joinder with Certificate of Service in Donna Cangelosi's Objection to
- 3 Confirmation of Debtors' Third Amended Joint Chapter 11 Plan of
- 4 Reorganization As it Applies to Debtor USA Commercial Mortgage.
- 5 128. 2042. Objection to Confirmation of Plan [1799] filed by Alan R. Smith.
- 6 129. 2044. Joinder with Certificate of Service filed by Robert C. LePome Re: [2003]
- 7 Partial/Limited Objection to Amended Plan filed by Gregory J. Walch.
- 8 130. 2045. Limited Objection To Confirmation of Plan [1799] filed by Andrew M. Brumby.
- 9 131. 2046. Objection to Confirmation of Plan [1799] with Certificate of Service filed by
- 10 Frank A. Anderson.
- 11 132. 2047. Liberty Bank's Limited Objection to Confirmation of Debtors' Third Amended
- 12 Joint Chapter 11 Plan of Reorganization [1799] filed by Wade B. Gochnour.
- 13 133. 2049. Limited Objection to Confirmation of Plan [1799] filed by Gregory J. Walch
- 14 134. 2050. Objection to Confirmation of Plan [1799] filed by Michelle L. Abrams on behalf
- 15 of Debt Acquisition Company of America.
- 16 135.. 2051. Objection to Confirmation of Plan [1799] filed By Russell S. Walker.
- 17 136. 2052. Limited Objection to Plan [1799] filed by Jeffrey R. Sylvester.
- 18 137. 2059. Order Setting Status Hearing to be held on 12/15/2006 Re: [1805] Motion for
- 19 Approval of Procedures filed by Debtor USA Commercial Mortgage Company.
- 20 138. 2099. Amended Joinder to Objection to Confirmation of Plan with Certificate of
- 21 Service filed by Janet L. Chubb Re: [2042] Objection to Confirmation of Plan
- 22 file by Creditor Lenders Protection Group.
- 23 139. 2104. Status and Agenda for December 15, 2006 Hearings.
- 24 140. 2118. Joinder with Certificate of service filed by Janet L. Chubb Re: [1926] Opposition
- 25 filed by Creditor Committee Official Committee of Holders of Executory
- 26 Contract Rights thru USA Commercial MTG CO.
- 27 141. 2129. Objection to Confirmation of Plan [1799] filed by Roy R. Ventura.
- 28 142. 2134. Objection to Confirmation of Plan [1799] and Joinder in Oppositions to

1 Confirmation filed by Michelle L. Abrams on behalf of Sierra Liquidity Fund.

2 143. 2135 Opposition and joinder in Oppositions filed by Michelle L. Abrams on behalf of

3 Sierra Liquidity Fund Re: [1805] Motion for Approval of Procedures filed by

4 Debtor USA Commercial Mortgage Company.

5 144. 2136. Brief USACM Unsecured Committee's Reply Brief in Support of Plan

6 Confirmation - Fraudulent Transfer, Setoff, and Use of 2% Holdback to Pay

7 Direct Lenders Committee's Professional Fees.

8 145. 2137. Declaration of David Blatt of Compass Partners in Support of Confirmation of

9 Debtors' Third Amended Joint Plan of Reorganization [1799].

10 146. 2147. Declaration of Thomas Allison in Support of the Confirmation of the Debtors'

11 Third Amended Joint Plan of Reorganization.

12 147. 2148. Reply Brief Supporting Confirmation of Debtors' Third Amended Joint Plan of

13 Reorganization filed by Jeanette E. McPherson.

14 148. 2149. Motion in Limine Combined with Memorandum in Support Regarding the

15 Objection of USA Investment Partners, LLC, Joseph Milanowski and Thomas

16 Hantges to Confirmation of the Debtors' Third Amended Joint Chapter 11 Plan

17 of Reorganization.

18 149. 2150. Declaration of Elaine A. Monson Re: [2149] Motion in Limine.

19 150. 2151. Points and Authorities in Support of Confirmation of Debtors' Third Amended

20 Joint Plan of Reorganization.

21 151. 2162. Revised Schedule of Executory Contracts and Unexpired Leases in Connection

22 with Debtors' Third Amended Joint Chapter 11 Plan of Reorganization.

23 152. 2163. Errata to Declaration of Thomas Allison [2147] in Support of the Confirmation

24 of Debtors' Third Amended Joint Plan of Reorganization.

25 153. 2164. Notice of Filing Asset Purchase Agreement dated December 8, 2006 filed by

26 Debtors.

27 154. 2165. Ballot Summary - Affidavit of Balloting Agent Regarding Solicitation and

28 Tabulation of Votes in Connection with the Debtors' Third Amended Joint Plan

- 1 of Reorganization filed by the Debtors’.
- 2 155. 2179. Joinder with Certificate of service filed by Janet L. Chubb Re: [1948] Objection  
3 to Confirmation of the Plan.
- 4 156. 2180. Joinder with Certificate of service filed by Janet L. Chubb Re: [1947] Objection  
5 to Confirmation of the Plan.
- 6 157. 2181. Joinder with Certificate of service filed by Janet L. Chubb Re: [1993] Opposition  
7 filed by Hall Financial Group.
- 8 158. 2182. Joinder with Certificate of service filed by Janet L. Chubb Re: [2035] Objection  
9 to Confirmation of the Debtors’ Third Amended Joint Chapter 11 Plan of  
10 Reorganization
- 11 159. 2184. Joinder with Certificate of service filed by Janet L. Chubb Re: [1957] Opposition  
12 to Debtors’ Motion for Approval of Procedures Regarding Assignments of  
13 Lenders’ Direct Interests in Loans.
- 14 160. 2187. Exhibit A to Opposition filed by Sierra Liquidity Fund [2135].
- 15 161. 2188. Amended Partial Joinder filed by Janet L. Chubb in Opposition to Motion for  
16 Approval of Procedures Regarding Assignments of Direct Lenders’ Interests in  
17 Commercial Mortgage Loans Re: [1993] Opposition filed by Hall Financial  
18 Group.
- 19 162. 2191. Amended Joinder in [1957] Memorandum of Points and Authorities in  
20 Opposition to Confirmation of Debtors’ Plan filed by Debt Acquisition Company  
21 of America.
- 22 163. 2194. Declaration of Cangelosi filed by Alan Smith Re: Objection to Confirmation of  
23 Plan [2402].
- 24 164. 2198. Supplement to Motion in Limine and Memorandum in Support Regarding the  
25 Objection of USA Investment Partners, LLC, Joseph Milanowski and Thomas  
26 Hantges to Confirmation of Debtors’ Third Amended Joint Plan of  
27 Reorganization [2149].
- 28 165. 2257. Notice of Intent to File Detailed Statement of Objections to, and Alternative form

1 of, Proposed Order Conforming (sic) the Debtors' Third Amended Joint Chapter  
2 11 Plan of Reorganization and Proposed Findings of Fact and Conclusions of  
3 Law in Support Thereof.

4 166. 2340. Objection to [Proposed] Order Confirming the Debtors' Third Amended joint  
5 Chapter 11 Plan of Reorganization as Modified Herein filed by Robert LePome.

6 167. 2341. Objection and Proposed Order filed by Gregory E. Garman to [1800] Order  
7 Approving Disclosure Statement.

8 168. 2342. Notice of Filing and Transcript of December 20, 2006 Hearing.

9 169. 2345. Objecting JV Creditors' Joinder filed by Janet L. Chubb in Objection of The  
10 Official Committee of Direct Lenders' to the [Proposed] Findings of fact and  
11 Conclusion of Law in Support of Order Confirming the "Debtors' Third  
12 Amended Joint Chapter 11 Plan of Reorganization"

13 [ As Modified Herein] and [Proposed] Order Confirming the "Debtors' Third  
14 Amended Joint Chapter 11 Plan of Reorganization," [as Modified herein].

15 170. 2346. Objecting JV Creditors' Joinder filed by Janet L. Chubb in [2340] Objection to  
16 [Proposed Order Confirming The "Debtors' Third Amended Joint Chapter 11  
17 Plan of Reorganization," [as Modified herein] filed by Alexander, ET AL.

18 171. 2347. Stipulation and Order Re Motion for Approval of Procedures Regarding  
19 Assignments of Direct Lenders' Interests in Loans.

20 172. 2351. Transcript of 10-19-06 Hearing.

21 173. 2356. Objection to Plan of Reorganization Insofar as It Pertains to Servicing Fees &  
22 Objection to Loan Servicing Fee Schedule filed by C. Nicholas Pereos.

23 174. 2368. Notice of Filing and Transcript of 12-19-06 Hearing.

24 175. 2376. Order Confirming the "Debtors' Third Amended Joint Chapter 11 Plan of  
25 Reorganization" as Modified herein.

26 176. 2377. Findings of Fact and Conclusions of Law in Support of the "Order Confirming  
27 the "Debtors' Third Amended Joint Chapter 11 Plan of Reorganization" [as  
28 Modified herein] [1799]

- 1 177. 2387. Notice of Entry of Order Confirming the “Debtors’ Third Amended Joint  
2 Chapter 11 Plan of Reorganization,” as Modified herein [2376].
- 3 178. 2388. Notice of Entry of Order of Findings of Fact and Conclusions of Law in Support  
4 of the “Order Confirming the “Debtors’ Third Amended Joint Chapter 11 Plan  
5 of Reorganization” as Modified Herein [2377] filed by Lenard E. Schwartzer.
- 6 179. 2429. Response to Reply Memorandum [2039] in Support of Motion for Approval of  
7 Procedures Regarding Assignments of Direct Lenders’ Interests in Loans filed  
8 by Compass Partners.
- 9 180. 2434. Notice of Appeal filed by Alan R. Smith on behalf of Lenders Protection Group.
- 10 181. 2452. Notice of Appeal filed by Dean T. Kirby on behalf of Debt Acquisition Company  
11 of America.
- 12 182. 2453. Amended Notice of Appeal filed by Alan R. Smith.
- 13 183. 2465. Notice of Referral to BAP. Appeal Reference No. 07-01 [2434].
- 14 184.. 2466. Appeal Memorandum. Appeal Reference No. 07-01 [2434].
- 15 185. 2467. Transmittal Memorandum (BAP). Appeal Reference No. 07-01 [2434].
- 16 186. 2468. Notice of Referral of Appeal to BAP. Appeal Reference #07-02. RE: [2452]  
17 Notice of Appeal filed by Debt Acquisition Company of America.
- 18 187. 2469. Appeal Memorandum. Appeal Reference # 07-02. [2452] Notice of Appeal filed  
19 by Debt Acquisition Company of America.
- 20 188. 2470. Transmittal Memorandum (BAP). Appeal Reference #07-02. RE: [2452]
- 21 189. 2472. Debtors’Statement of Election to Have Appeal Heard by the District Court Re:  
22 [2434] Notice of Appeal filed by Lenders’ Protection Group.
- 23 190. 2473. Debtors’Statement of Election to Have Appeal Heard by the District Court Re:  
24 [2452] Notice of Appeal filed by Debt Acquisition Company of America.
- 25 191. 2478. Certificate of Service of Notice of Appeal filed by Dean T. Kirby, Jr. on behalf  
26 of Debt Acquisition Company of America.
- 27 192. 2481. Notice of Appeal by Russell S. Walker on behalf of Thomas Hantges, Joseph  
28 Milanowski, USA Investment Partners, LLC.

- 1 193. 2498. Appeal Memorandum. Appeal Reference # 07-03. [2481] Notice of Appeal filed
- 2 by USA Investment Partners, Thomas Hantges and Joseph Milanowski,
- 3 194. 2500. Transmittal Memorandum (BAP). Appeal Reference No. 07-03 [2481].
- 4 195. 2515. Notice of Hearing/Motion On Emergency Motion for Stay Pending Appeal filed
- 5 by Alan R. Smith.
- 6 196. 2524. Opposition to Motion for Relief from Stay Pending Appeal [2515].
- 7 197. 2527. Joinder in Debtors' Opposition to Motion for Stay Pending Appeal filed by Rob
- 8 Charles [2524].
- 9 198. 2530. Notice of Transfer of Appeal to District Court. Appeal Reference No. 07-01
- 10 BAP # NV-07-1021; U.S. District Court # 2:07-cv-00072-RCJ-GWF.
- 11 199. 2533. Notice of Intent Not to File a Motion for Stay Pending Appeal filed by Alan R.
- 12 Smith.
- 13 200. 2535. Joinder in Debtors' Opposition to Motion for Stay Pending Appeal
- 14 201. All further Orders and Papers that may be filed in this matter.

16 Dated: January 29 , 2007

KIRBY & McGUINN, A P.C.

18 By: /s/  
 19 Dean T Kirby, Jr.  
 20 Attorney for Appellant  
 21 Debt Acquisition Company of America V  
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